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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 2956 of 2007

PETITIONERS : 1. M/s. Shri Durga Foods (Raipur) Pvt. Ltd. a company registered under the Provisions of Companies Act, 1956 having its registered office at – Bhaisthan Sgrasen Chowk, Raipur and factory situated at : Chotte URLA Abhanpur, District Raipur, Chhattisgarh.

2. Shri Saunria Agrawal S/o Shri Radheshyam Agrawal, aged about 37 years, R/o – 11 Shala Marg, Choubey Colony, Raipur, Chhattisgarh.
3. Smt. Kaushalya Agrawal, W/o Shri Radheshyam Agrawal, aged about 58 years, R/o – 11, Shala Marg Choubey Colony, Raipur, Chhattisgarh.
4. Smt. Rita Patel W/o Shri Dinesh Patel, Aged about 48 years, R/o – 316, Sunder Nagar, Raipur, Chhattisgarh.

VERSUS

RESPONDENTS : 1. Punjab National Bank, Chhattisgarh Zone, Medical College Road, Raipur, Chhattisgarh, Through Authorised Officer.

2. Punjab National Bank, Station Road Branch, Raipur, Chhattisgarh Through Senior Manager

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Shri Satish K. Agnihotri, J.

Present: Shri Sanjay K. Agrawal, Advocate for the petitioners.
Dr. N.K.Shukla, Senior Advocate with Shri Sudhir Agrawal, Advocate for the respondents.

ORDER

(Passed on 5th day of October, 2007)

1. Dr. Shukla, learned senior counsel appearing for the respondents submits that the dispute involved in this petition is pending consideration before the Debts Recovery Tribunal, Jabalpur, Madhya Pradesh, in Securitisation Application No. 24 of 2007 (M/s. Shri Durga Foods (Raipur) Pvt. Ltd and another Vs. Punjab National Bank & another). Thus, the petition is not maintainable as the petitioner cannot seek the same relief in two forums.

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2. This court, while issuing notice, passed an order to the effect that no coercive steps be taken to recover the amount pending under consideration.

3. Learned counsel appearing for the petitioner submits that the petitioner has filed an application under Section 17(1) of the Securitisation & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'the Act, 2002') which is pending consideration. It is further contended by the learned counsel that Sub-Section (5) of Section 17 the Act, 2002, provides that any application made under Sub-Section (1) of Section 17 shall be dealt with by the Debts Recovery Tribunal as expeditiously as possible and disposed of within sixty days from the date of such application.

4. The Debt Recovery Tribunal shall consider the application filed under Section 17(1) of the Act, 2002 as early as possible preferably within a period of 15 days. Till that time, the interim order dated 09.05.2007 passed by this Court shall remain in operation.

5. In view of the above, this petition stands disposed of.

Sd/-
Satish K.Agnihotri
Judge

Amit